

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:16-cv-00465-MOC
(CRIMINAL CASE NO. 3:97-cr-00333-MOC-1)**

LEROY JOSEPH KELLY,)	
)	
Petitioner,)	
)	
vs.)	<u>ORDER</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

THIS MATTER is before the Court on the Petitioner’s “Motion Requesting Removal of Post Conviction Counsel” [Doc. 18]. Petitioner has also filed a “Supplement Motion Towards Motion to Remove Counsel” [Doc. 19], which the Court construes as an addendum to Petitioner’s motion to remove counsel.

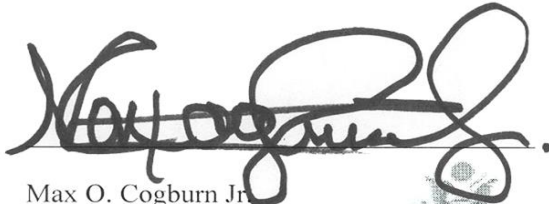
By the present motion, the Petitioner moves for the removal of the Federal Defenders as counsel in this action.¹ [Doc. 18]. Upon review of the Petitioner’s motion and addendum, the Court will grant the Petitioner’s request and allow him to proceed *pro se* in this action. However, this action shall remain stayed pending a decision by the Fourth Circuit in Ali or until further order of this Court.

IT IS, THEREFORE, ORDERED that the Petitioner’s Motion Requesting Removal [Doc. 18] is **GRANTED**, and the Federal Public Defender of the Western District of North Carolina is relieved from any further representation of the Petitioner.

¹ Counsel filed a Motion to Vacate under 28 U.S.C. § 2255 on behalf of Petitioner on June 23, 2016, contending that Petitioner was eligible for relief from his enhanced sentence under *United States v. Johnson*, 135 S. Ct. 2551 (June 26, 2015). The Court placed Petitioner’s motion in abeyance pending the outcome of United States v. Ali, No. 15-4433 (4th Cir.). [Doc. 8].

IT IS FURTHER ORDERED that the Court shall continue to hold this matter in abeyance pending the Supreme Court's decision in United States v. Ali, No. 15-4433 (4th Cir.), or until further order of this Court.

Signed: October 8, 2019



Max O. Cogburn Jr.
United States District Judge